IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 143 (S/B) of 2005

Umarao Singh Saini S/o Late Kunwar Sen,
Presently posted as Assistant Registrar,
Cooperative Societies, Udham Singh Nagar

... Petitioner

Versus

1. State of Uttaranchal through
   Secretary Cooperatives Dehradun
2. Registrar Cooperative Societies,
   State of Uttaranchal, Dehradun
3. Gopal Singh Rana, MLA, Constituency 63,
   Vidhan Sabha Khatima, Khatima, Distt. U.S. Nagar

...Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: March 22, 2006

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the impugned transfer order dated 05.07.2005 passed by Respondent No. 1 which is contained in Annexure No. 15 to the writ petition.

Brief facts of the case as narrated by the petitioner are that on 29.01.2005, a resolution was adopted by the Khatima Sahkari Kerya Vikreya Samiti for the Construction of 50 shops on its own land at Block Khatima, Distt. U.S. Nagar and the Registrar, Cooperative Societies, State of Uttaranchal vide its order dated 25.02.2005 granted approval for the construction of 50 shops by the said Cooperative Society. It has been alleged that some political persons started coercing the petitioner to get the land of the Cooperative Society transferred to other society. When the petitioner refused to do so, a complaint was made by local MLA in the month of February, 2005 to the Registrar, Cooperative

Societies against the petitioner. Pursuant to same, an explanation was sought from the petitioner by Respondent No.2 vide his order dated 17.02.2005 and the petitioner submitted his reply on 23.02.2005. Thereafter, on 05.07.2005 vide impugned transfer order passed by Respondent No. 1, the petitioner was transferred from District Udham Singh Nagar to District Almora within 11 months from the dated of his joining at Udham Singh Nagar. Feeling aggrieved, the petitioner has come up in the writ petition.

The petitioner has challenged the impugned order on the ground that according to the transfer policy of the State Government dated 29.05.2005, Clause 4(1) of the said policy provides that officers belonging to Class I & II, their normal tenure of posting shall be three years to the maximum of five years. A perusal of the impugned transfer order dated 05.07.2005 reveals that the petitioner was transferred from District Udham Singh Nagar to District Almora on administrative grounds. This order was stayed by this Court on 15.07.2005.

Keeping in view the facts and circumstances of the case, it is provided that the petitioner shall be allowed to continue as Assistant Registrar, Cooperative Societies, Udham Singh Nagar till the next annual general transfer is made. However, it is made clear that in the next Annual General Transfer, fresh transfer order of the petitioner shall be passed and till then, the impugned transfer order dated 05.07.2005 is quashed.

With the aforesaid observation, the writ petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang